

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12304WGY

RUDY K. MEISELMAN )  
vs. )  
Plaintiff )  
vs. )  
FINANCIAL RESOURCES NETWORK, INC., )  
FINANCIAL RESOURCES NETWORK, INC. )  
PROFIT SHARING PLAN )  
ROSALIND HERMAN, TRUSTEE OF THE )  
FINANCIAL RESOURCES NETWORK, INC. )  
PROFIT SHARING PLAN, and GREGG )  
CAPLITZ )  
Defendants )  
\_\_\_\_\_  
)

**AFFIDAVIT OF NOTICE OF HEARING DATE**

I, Charles P. Kazarian, counsel for the plaintiff in the above-captioned matter, hereby state under the penalties of perjury as follows:

1. On November 1, 2004 I hand-delivered four copies of the Verified Complaint and four summonses, together with four copies of the Motion For Temporary Restraining Order to the Cambridge office of the Middlesex County Deputy Sheriff Civil Process Division with instructions for service on the four defendants in this case. The telephone number for that Civil Process Division, 617 547-1171, has been out of order for two days, and I have not yet received the affidavits of service from the deputy, but I expect to have same in my hand fro presentation to the Court prior at the hearing set for November 9, 2004 at 2:00.

2. Defendants have represented to plaintiff that Attorney Murphy is their counsel.

On October 29, 2004 and at least four times thereafter, I have attempted to contact Wayne Murphy, Esquire by telephone. On one occasion, one of his staff members confirmed that Attorney Murphy does indeed represent the defendants. I left messages for Attorney Murphy each time, and directly told his staff, as to the hearing date set down by the Court.

3. Still not having heard from Attorney Murphy, today I sent him by hand-delivery a letter informing him of the November 9 hearing date. Inasmuch as Attorney Murphy has not himself confirmed that he represents the defendants, I also this day sent the said notice letter directly to the defendants both by facsimile transmission and regular mail.

Dated: November 5, 2004 /s/Charles P. Kazarian

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